

STATE OF SOUTH CAROLINA,

COUNTY OF Greenville

Paul McGrade

FILED-CLERK OF COURT
GREENVILLE CO. S.C.

PAUL B. WICKENSIMES

IN THE COURT OF COMMON PLEAS

2015-CP-23-2889
SUMMONS

2015 MAY 11
Plaintiff,

5 PM 2 11

vs.

FILE NO. _____-CP-_____-_____

City of Greenville Police Department

Defendant.

TO THE DEFENDANT ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this complaint upon the subscriber, at the address shown below, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the complaint, judgment by default will be rendered against you for the relief demanded in the complaint.

Clemson, South Carolina

Dated: 4/30/15

Plaintiff/Attorney for Plaintiff

Address: PO Box 661, 176 E. Main St., Pendleton, SC 29670

2015 MAY 11 P 4:52
GREENVILLE COUNTY
SHERIFF'S OFFICE
CIVIL DIVISION

STATE OF SOUTH CAROLINA

COUNTY OF Greenville

Paul McGrade

FILED-CLERK OF COURT
GREENVILLE CO. S.C.
PAUL B. WICKENS

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2015 MAY 5 PM 2 11

vs.

City of Greenville Police Department

Officer John Doe

Defendant(s)

(Please Print)

Submitted By: Howard W. Andreson III

Address: PO Box 661, 176 E. Main St.

Pendleton, SC 29670

SC Bar #:

100329

Telephone #:

864-643-5790

Fax #:

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Other:

E-mail:

howard@hwalawfirm.com

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- ☐ JURY TRIAL demanded in complaint. ☒ NON-JURY TRIAL demanded in complaint.
- ☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- ☒ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- ☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- Contracts**
- ☐ Constructions (100)
- ☐ Debt Collection (110)
- ☐ Employment (120)
- ☐ General (130)
- ☐ Breach of Contract (140)
- ☐ Other (199)

- Torts - Professional Malpractice**
- ☐ Dental Malpractice (200)
- ☐ Legal Malpractice (210)
- ☐ Medical Malpractice (220)
- Previous Notice of Intent Case #
- 20 ____-NI-____
- ☐ Notice/ File Med Mal (230)
- ☐ Other (299)

- Torts - Personal Injury**
- ☐ Assault/Slander/Libel (300)
- ☐ Conversion (310)
- ☐ Motor Vehicle Accident (320)
- ☐ Premises Liability (330)
- ☐ Products Liability (340)
- ☐ Personal Injury (350)
- ☐ Wrongful Death (360)
- ☒ Other (399)

- Real Property**
- ☐ Claim & Delivery (400)
- ☐ Condemnation (410)
- ☐ Foreclosure (420)
- ☐ Mechanic's Lien (430)
- ☐ Partition (440)
- ☐ Possession (450)
- ☐ Building Code Violation (460)
- ☐ Other (499)

Civil Rights

- Inmate Petitions**
- ☐ PCR (500)
- ☐ Mandamus (520)
- ☐ Habeas Corpus (530)
- ☐ Other (599)

- Administrative Law/Relief**
- ☐ Reinstate Drv. License (800)
- ☐ Judicial Review (810)
- ☐ Relief (820)
- ☐ Permanent Injunction (830)
- ☐ Forfeiture-Petition (840)
- ☐ Forfeiture-Consent Order (850)
- ☐ Other (899)

- Judgments/Settlements**
- ☐ Death Settlement (700)
- ☐ Foreign Judgment (710)
- ☐ Magistrate's Judgment (720)
- ☐ Minor Settlement (730)
- ☐ Transcript of Judgment (740)
- ☐ Lis Pendens (750)
- ☐ Transfer of Structured Settlement
- ☐ Payment Rights Application (760)
- ☐ Confession of Judgment (770)
- ☐ Petition for Workers Compensation Settlement Approval (780)

- Appeals**
- ☐ Arbitration (900)
- ☐ Magistrate-Civil (910)
- ☐ Magistrate-Criminal (920)
- ☐ Municipal (930)
- ☐ Probate Court (940)
- ☐ SCDOT (950)
- ☐ Worker's Comp (960)
- ☐ Zoning Board (970)
- ☐ Public Service Commission (990)
- ☐ Employment Security Commission (991)

Special/Complex /Other

- ☐ Environmental (600)
- ☐ Automobile Arb. (610)
- ☐ Medical (620)
- ☐ Other (699)
- ☐ Sexual Predator (510)
- ☐ Pharmaceuticals (630)
- ☐ Unfair Trade Practices (640)
- ☐ Foreign Subpoenas (650)
- ☐ Motion to Quash Subpoena in Out-of-County Action (660)

Submitting Party Signature: _____

Date: _____

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCF, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

FOR MANDATED ADR COUNTIES ONLY

Aiken, Allendale, Anderson, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Cherokee, Clarendon, Colleton, Darlington, Dorchester, Florence, Georgetown, Greenville, Hampton, Horry, Jasper, Kershaw, Lee, Lexington, Marion, Oconee, Orangeburg, Pickens, Richland, Spartanburg, Sumter, Union, Williamsburg, and York

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

You are required to take the following action(s):

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210th day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs. (Medical malpractice mediation is mandatory statewide.)
4. Cases are exempt from ADR only upon the following grounds:
 - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
 - b. Requests for temporary relief;
 - c. Appeals
 - d. Post Conviction relief matters;
 - e. Contempt of Court proceedings;
 - f. Forfeiture proceedings brought by governmental entities;
 - g. Mortgage foreclosures; and
 - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.
5. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.
6. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

**Please Note: You must comply with the Supreme Court Rules regarding ADR.
Failure to do so may affect your case or may result in sanctions.**

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

FILED-0 IN THE COURT OF COMMON PLEAS
GREENVILLE CO. S.C. 13th JUDICIAL CIRCUIT
PAUL B. WICKENSIMMER

2015 MAY 5 PM 2 11

2015-CP-23-02889

PAUL McGRADE,
Plaintiff,

vs.

CITY OF GREENVILLE POLICE DEPART-
MENT and OFFICER JOHN DOE,
Defendant.

COMPLAINT

COMES NOW Paul McGrade and complains as follows:

1. Paul McGrade is a citizen and resident of this county.
2. The City of Greenville Police Department (the "GPD") is an "agency" for the purposes of S.C. Code § 15-78-40 because it was, on or about March 30, 2015, the employer of Defendant Officer John Doe.
3. Officer John Doe was, on or about March 30, 2015, a police officer with the Defendant Greenville City Police Department.
4. Venue is proper in this county as one or more of the Defendants reside here and the most substantial part of the controversy arose here.

COUNT I - § 1983 (as to Officer Doe)

5. Mr. McGrade repeats each of the forgoing as if fully set forth here.
6. On or about March 30, 2015, Officer Doe intentionally broke the close of Mr. McGrade's home in Greenville without his consent and remained there without lawful authority even after being asked to leave.

7. During the incident described above, Officer Doe restrained Mr. McGrade's liberty in his own home, without warrant or lawful authority, by refusing to permit him to shut the door to his home.

8. At all relevant times, Officer Doe was a "person" acting under color of law for the purposes of 42 U.S.C. § 1983.

9. Officer Doe's conduct violated Mr. McGrade's rights against unreasonable searches and seizures guaranteed under the Fourth Amendment in the United States Constitution.

COUNT II – TORT CLAIMS ACT (as to the GPD)

10. Mr. McGrade repeats each of the forgoing paragraphs as if fully set forth here.

11. At the time of Officer Doe's entry, Mr. McGrade was in legal possession of his home.

12. Officer Doe also physically interfered with Mr. McGrade's possession of his home by preventing him from shutting the door to the home.

13. At the time of Officer Doe's entry, Officer Doe was acting within the course and scope of his employment duties with Defendant GPD.

14. Officer Doe's actions were done without Mr. McGrade's consent.

15. The GPD is, therefore, liable to Officer McGrade for trespass to real property.

Wherefore, Mr. McGrade prays that this Court will:

A. Award him a declaratory judgment that Officer McGrade violated his constitutional and real property rights;

- B. Award him damages, in an amount to be proven at trial;
- C. Award him his costs;
- D. Award him a reasonable attorney's fee; and
- E. Award him such further relief as justice may require.

Respectfully submitted,

PAUL MCGRADY



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